<u>REMARKS</u>

The Examiner has rejected claims 42-45 and claim 54 under 35 U.S.C. §112 second paragraph as being vague and indefinite. Claim 42 has been amended as shown above, while claim 54 has been canceled without prejudice.

The applicant respectfully disagrees with the Examiner's rejections of claim 42. Nonetheless, Applicant has elected to amend claim 42 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG) 65 Fed. Reg. 54603 (September 8, 2000).

In particular, claim 42 has been amended so as to more clearly name the particular components of the computer network in the preamble of claim 42. The Examiner has requested clarification regarding the structure and architecture of the network. The remote subsystem, the intermediate subsystem and the central subsystem are all described on page 7, last paragraph and continuing on to page 8 in the first two paragraphs. With the perspective of the central data processing subsystem also known as the Processing Concentrator 600 there is an adjacent layer known as the intermediate data collecting subsystem known as the Access Collector 400 and finally, an additional layer known as the remote data access subsystem or Access Terminal 200. This design is

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further explained as a tiered architecture with the top tier being the central data processing subsystem, the intermediate tier being the intermediate data collecting subsystem, and the bottom tier being the remote data access subsystem. The applicant believes that claim 42 as written is now patentable over the above rejection.

The Applicant believes that claim 42 contains only those limitations as originally filed in that claim. Therefore, the Applicant believes that this amendment does not narrow the scope of claim 42 under the meaning of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 56 USPQ2d 1865 (CA FC 2000).

The Examiner has rejected claims 46-50 under 35 U.S.C. §112.

The applicant has amended claim 46 in response to this rejection. The applicant respectfully disagrees with the Examiner's rejections of claim 46. Nonetheless, Applicant has elected to amend claim 46 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG) 65 Fed. Reg. 54603 (September 8, 2000).

As stated above, and as shown in FIGS. 1, 2, 4, and 6 and in the Specification on pages 7 and 8, the central subsystem (600),

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the intermediate subsystem (400) and the remote subsystem (200) are shown in a tiered architecture. This tiered architecture is shown wherein the central subsystem (600) is a first tier, the intermediate subsystem (400) is a second tier and the remote subsystem (200) is a third tier. The remote subsystem is shown with particularity in FIG. 2, the intermediate subsystem is shown with particularity in FIG. 4 while the central subsystem is shown with particularity in FIG. 6. In addition, the specification describes each of these FIGS. in detail. Therefore, the applicant believes that while the claims should not be interpreted as being limited to the exact embodiments shown in FIG. 2, FIG. 4, and FIG. 6, there is sufficient description of these subsystems in the FIGS. and the specification to support the claims.

The Examiner has also stated that the step of transmitting data within the central locations is vague and indefinite. FIG. 6 shows a layout of a central location having a DAC server 602, a network workstation 604, storage 608, and 610 all connected together with a LAN 606. The applicant believes that it is certainly possible to have data transfer between these components via LAN 606. In addition, the applicant believes that data transfer between multiple DAC servers 602 would also be possible via LAN 606. Therefore, the applicant believes that claims 46-50 should be allowable over the Examiner's rejection. In addition,

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the Applicant believes that this amendment does not narrow the scope of claims 46-50 under the meaning of <u>Festo Corp. v.</u> <u>Shoketsu Kinzoku Kogyo Kabushiki Co.</u>, 56 USPQ2d 1865 (CA FC 2000).

The Examiner has rejected claim 55 under 35 U.S.C. 112 second paragraph.

The applicant respectfully disagrees with the Examiner's rejection of claim 45. Nonetheless, Applicant has elected to amend claim 45 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG) 65 Fed. Reg. 54603 (September 8, 2000).

The step of capturing the image of a check differs from the step of capturing electronic transaction data because the step of capturing the image of a check, which as shown in FIG. 2 can involve using a scanner 202 to capture a front face of a check. In contrast, a Card interface 212, and/or a signature pad 214 could be used to capture the electronic transaction data as described on pages 10-12 of the specification. Thus, the electronic transaction data would be the digital information obtained by a card having a magnetic stripe, a smart card or other type of identification and transaction information and not the image of a check. While claim 55 has been amended, the applicant believes that this amendment was

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simply to correct possible antecedent basis issues relating to the claim. The applicant believes that the original scope of the claim has not been narrowed and therefore, the applicant believes that the Federal Circuit's ruling under <u>Festo</u> does not apply.

The Examiner has rejected claims 56 and 57 under 35 U.S.C. 112 second paragraph.

The applicant respectfully disagrees with the Examiner's rejections of claims 56 and 57. Nonetheless, Applicant has elected to amend claims 56 and 57 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG) 65 Fed. Reg. 54603 (September 8, 2000).

In particular, claim 56 has been amended to describe the type of subsystem used to manage the collection of information and to manage the transfer of this information. Thus, the applicant believes that claim 56 as amended is claimed using sufficient particularity.

The Examiner has also rejected claim 57 as being improperly dependant upon claim 56 and being duly ambiguous. Claim 57 has been amended to overcome this rejection. In particular, claim 57

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has been amended to remove a section that the applicant believes was unnecessary for the description of this dependent claim. The applicant believes that while claim 57 has been amended, it has not been narrowed and therefore, the ruling of the Federal Circuit Court in Festo as cited above should not apply.

The Examiner has objected to claims 42+ under 37 C.F.R. 1.75 as being a substantial duplicate of claim 54+. Claim 54 has been canceled without prejudice. Therefore, the applicant believes that since claim 54 has been canceled this rejection has been overcome.

The Examiner has rejected claims 46-50 and 55-57 under a judicially created doctrine of obviousness type double patenting in view of claims 26-50 of U.S. Patent No. 5,910,988.

Enclosed please find a terminal disclaimer disclaiming the term of this patent application to overcome the rejection of the Examiner.

The Applicant has also added two new independent claims 58 and 59. The applicant believes that no new matter has been added because both of these claims are supported by the specification and drawings as originally filed. In addition, because these two new claims are independent claims and there are already three or more

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independent claims on file, the Commissioner is authorized to charge Deposit Account No. 03-2468 in the amount of $84.00 to cover the small entity fee for the addition of two new independent claims to the application.

In conclusion, Claims 42, 46, 55, 56, and 57 have been amended. Claim 54 has been canceled without prejudice while claims 58 and 59 have been added. Accordingly, the applicant believes that the remaining claims are written to overcome the objections and rejections of the Examiner. Therefore, the applicant respectfully requests early allowance of the remaining claims.

Respectfully submitted,

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Enclosures: Three (3) month Petition for an Extension of Time,
                Terminal Disclaimer and a marked-up copy

I hereby certify that this correspondence is being faxed to the U.S. Patent Office, Attention: Examiner R. Weisberger at (703)___746- 7239___ on January 2, 2002.

William C. Collard
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Please substitute the existing claim 42 with the following amended claim:

42. (Thrice amended) A communication network for the transmission of data within and between one or more remote data [processing] <u>access</u> subsystems at least one intermediate data collecting subsystem and at least one central <u>data processing</u> subsystem forming a tiered architecture wherein each <u>of</u> said at least one central data processing subsystem communicate<u>s</u> with a corresponding some of said at least one <u>intermediate</u> data collecting subsystem and each of said at least one <u>intermediate</u> data collecting subsystem communicate<u>s</u> with a corresponding some of said [one or more] <u>at least one central</u> data processing subsystem, [said remote data processing accessing subsystem including a data access subsystem for capturing images of checks and electronic transaction data,] <u>the network</u> comprising:

at least one first [local area] <u>computer</u> network for transmitting data including a payer bank's identification number, a payer bank's routing number, a payer bank's routing information, a payer's account number, a payer's check, a payer bank's draft, a check amount, a payee bank's identification number, a payee bank's routing information, and a payee's account

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number, within a corresponding one of said one or more remote

<u>data access</u> subsystems;

at least one second [local area] <u>computer</u> network for

transmitting data within a corresponding one of said at least one

intermediate <u>data collecting</u> subsystem;

at least one third [local area] <u>computer</u> network for

transmitting data within a corresponding one of said at least one

central <u>data processing</u> subsystem; and

at least one wide area network for transmitting data between

said one or more remote <u>data access</u> subsystems, said at least one

intermediate <u>data collecting</u> subsystem and said at least one

central subsystem.

Please substitute claim 46 with the following amended claim:

46. (Thrice Amended) A method for transmitting data within

and between one or more remote subsystems, at least one

intermediate subsystem and at least one central subsystem in a

tiered manner wherein each of the <u>at least one</u> central

subsystem[s] communicate<u>s</u> with <u>each of the</u> at least one

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intermediate subsystem and each of the <u>at least one</u> intermediate

subsystems communicate<u>s</u> with [at least one] <u>one or more</u> remote

subsystem<u>s</u> comprising the steps of:

capturing an image of checks, electronic transaction data

and extracting data therefrom, said data including a payer bank's

identification number, a payer bank's routing number, a payer

bank's routing information, a payer's account number, a payer's

check, a payer bank's draft, a check amount, a payee bank's

identification number, a payee bank's routing information, and a

payee's account number[, and further including];

transmitting data within the remote locations;

transmitting data from each remote location to a

corresponding intermediate location;

transmitting data within the intermediate locations;

transmitting data from each intermediate location to

corresponding central locations; and

transmitting data within the central locations.

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Please substitute claims 55-57 with the following amended claims:

55. (Twice Amended) A method for transmitting data within and between one or more remote subsystems, at least one intermediate subsystem and at least one central subsystem in a tiered manner wherein each of the <u>at least one</u> central subsystem[s] communicate<u>s</u> with <u>the at least one</u> intermediate subsystem and each of the <u>at least one</u> intermediate subsystem[s] communicate<u>s</u> with [at least one] <u>each of the one or more</u> remote subsystem<u>s</u> comprising the steps of:

capturing an image of checks and extracting data therefrom;

capturing electronic transaction data and extracting data therefrom;

verifying [all] the <u>extracted</u> data;

transmitting data within the <u>one or more</u> remote locations;

transmitting data from each <u>of the one or more</u> remote location to a corresponding <u>one of the at least one</u> intermediate

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location;

transmitting data within the <u>at least one</u> intermediate

location[s];

transmitting data from each <u>of the at least one</u> intermediate

location to <u>a</u> corresponding <u>at least one</u> central location[s]; and

transmitting data within the <u>at least one</u> central

location[s].

56. (Twice Amended) A method for central management, storage

and verification of remotely captured electronic or paper

transactions from electronic transaction data, documents, and

receipts comprising the steps of

<u>using at least one</u> <u>remote subsystem for</u> capturing and

sending the paper and electronic transaction data [at] <u>from</u> one

or more <u>remote subsystem</u> locations <u>to at least one central</u>

<u>subsystem</u>;

<u>using said at least one central subsystem to</u> manag<u>e</u> [ing]

the capturing and sending of the transaction data;

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collecting, processing, sending and storing the transaction

data with said at least one central subsystem at a central

location;

using said at least one central subsystem to manage[ing] the

collecting, processing, sending, and storing of the captured

transaction at a central location, including comparing captured

transaction data to stored transaction data for verification; and

transmitting the transaction data within and between the

remote location(s) and the central location.

57. (Twice Amended) The method as in [A method for central

management, storage and verification of remotely captured

electronic or paper transactions from electronic transaction

data, documents, and receipts to] claim 56, wherein said step of

managing the collecting, processing, sending and storing further

comprises the step of performing said paper transaction by

transferring funds electronically from the payer bank to a payee

bank.

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